

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MICHAEL RUFFIN EL,

Plaintiff,

vs.

UNITED STATES,

Defendant.

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Case No. 1:24-mc-7

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Karen L. Litkovitz on June 14, 2024. Doc. 4. The Magistrate Judge recommended that the Court dismiss Plaintiff's "Bill of Assignment and Sale in Equity" with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). The Court has reviewed Plaintiff's filing and the Report and Recommendation. No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.¹

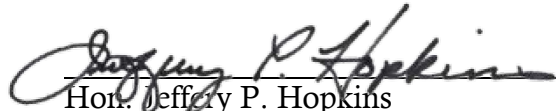
Having carefully reviewed the findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. *See* Fed. R. Civ. P. 72 (advisory committee notes) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the fact of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022). Accordingly, it is hereby

¹ The Court notes that the Magistrate Judge's Order (Doc. 2) and Report and Recommendation (Doc. 4) were returned as undeliverable. Both filings were correctly addressed to Plaintiff at the address that he provided in his initial filing. *See* Docs. 3, 5. To date, Plaintiff has not notified the Court of any address change.

ORDERED that Plaintiff's "Bill of Assignment and Sale in Equity" be **DISMISSED** with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: July 23, 2024


Hon. Jeffrey P. Hopkins
United States District Judge